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EXAMINER

BARRETT, RYAN S

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KYONG-HOON SUNG

Appeal 2016-006736
Application 12/920,008
Technology Center 2100

Before STEPHEN C. SIU, JOHNNY A. KUMAR, and
LINZY T. McCARTNEY, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1 and 3–7. We have jurisdiction under 35 U.S.C. § 6(b).

The disclosed invention relates generally to searching an item from a plurality of items. Spec 1. Independent claim 1 reads as follows:

1. A method of searching for an item, comprising:

displaying a plurality of items that are selectable on a screen;
searching for and designating an item from the plurality of items by moving a cursor according to a key input, wherein the cursor is continually accelerated as long as the key is pressed;
displaying additional information, related to the designated item, on the screen, when the cursor speed is less than or equal to a preset speed;
displaying, adjacent to the designated item, only brief representative alphanumeric information related to where the designated item is sequentially arranged in the plurality of items, when the cursor speed exceeds the preset speed; and
terminating the cursor's movement by decelerating the cursor at a controlled rate when the key is no longer pressed.

The Examiner rejects claims 1 and 5 under 35 U.S.C. § 103(a) as unpatentable over Beverley et al. (US Publication 2009/0204920 A1, published Aug. 13, 2009), Hollemans (US Publication 2010/0169822 A1, published July 1, 2010), Bull et al. (US Publication 2009/0064031 A1, published Mar. 5, 2009), and Utsuki et al. (US Publication 2006/0020970 A1, published Jan. 26, 2006); claim 3 under 35 U.S.C. § 103(a) as unpatentable over Beverley, Hollemans, Bull, Utsuki, and Platt et al. (US Publication 2007/0074125 A1, published Mar. 29, 2007); claim 4 under 35 U.S.C. § 103(a) as unpatentable over Beverley, Hollemans, Bull, Utsuki, and Haseyama et al. (US Publication 2008/0218486 A1, published Sept. 11, 2008); and claims 6 and 7 under 35 U.S.C. § 103(a) as unpatentable over

Beverley, Hollemans, Bull, Utsuki, and Tsuk et al. (US Publication 2003/0076301 A1, published Apr. 24, 2003).

ISSUE

Did the Examiner err in rejecting claims 1 and 3–7?

ANALYSIS

Claim 1 recites that the cursor is continually accelerated as long as the key is pressed. The Examiner states that the combination of Beverley and Hollemans teaches this feature. Final Act. 3 (citing Beverley ¶ 211, Hollemans ¶ 9). Appellant argues that neither Beverley nor Hollemans, alone or in combination, discloses or suggests a cursor that is continually accelerated as long as the key is pressed and that that “Hollemans . . . teaches away from a continual acceleration in scrolling speed, as claimed.” App. Br. 5–6. We agree with the Examiner.

For example, as the Examiner points out, Beverley teaches that “the user can hold the button . . . down to accelerate the image ring” and that Hollemans discloses that “as the user continues to scroll . . . the speed of scrolling increases incrementally” and that the increase of the speed of scrolling “may continue.” Final Act. 3 (citing Beverley ¶ 211, Hollemans ¶ 9). Hence, the combination of Beverley and Hollemans demonstrates that one of ordinary skill in the art would have understood that a user can “hold [down a] button” to scroll a cursor and that “the speed of scrolling increases

incrementally” (i.e., “accelerates”) and that the increase in speed, or “acceleration” “may continue” (i.e., may be performed “continually”). Appellant does not explain persuasively a difference between the prior art teaching of holding down a button to “continue” (i.e., “continually”) to increase the speed of scrolling (i.e., accelerating the speed of scrolling) and the disputed claim feature of continual acceleration. In both cases, the speed of scrolling the cursor is increased (or “accelerated”) in a continual fashion.

Appellant argues that Hollemans discloses a “speed cue . . . given to the user prior to the stepwise increase in scrolling speed as a warning” and that “**scrolling speed is not always desirable**” and that Hollemans “**teaches away from a *continual* acceleration in scrolling speed, as claimed.**” App. Br. 6. Even assuming that Appellant is correct that Hollemans discloses a “speed cue” and that “scrolling speed is not always desirable,” Appellant does not demonstrate that Hollemans does not teach a cursor that is continually accelerated, as recited in claim 1. As previously explained, we agree with the Examiner that Hollemans, at least, teaches this feature. Also, in view of the explicit disclosure in Holleman that an increase in speed (or acceleration) of cursor speed “may continue,” we disagree that Hollemans “teaches away” from continual acceleration in scrolling speed, as alleged by Appellant.

Claim 1 recites displaying alphanumeric information when the cursor speed exceeds a preset speed. The Examiner finds that Bull and Utsuki teaches this feature. Ans. 4 (citing Bull ¶¶ 66, 67, Figs. 2B, 2C; Utsuki Fig.

20, 21, ¶¶ 218, 220). Appellant argues that Bull fails to disclose or suggest this feature. App. Br. 7. However, we agree with the Examiner.

For example, as the Examiner points out, Utsuki teaches that “if the scrolling speed exceeds a predetermined scrolling speed,” changes in the display screen are effected (Utsuki 218) and Bull discloses that when a user “quick-scrolls” listings, “alphanumeric characters” may be displayed on a display screen. Bull 66–67. We agree with the Examiner that it would have been obvious to one of ordinary skill in the art to have combined the known process of displaying “alphanumeric characters” when “quick-scrolling” listings on a display (Bull) with the known process of changing a display when exceeding a predetermined scrolling speed (Utsuki) to achieve the predictable result of changing a display by displaying alphanumeric characters when exceeding a predetermined scrolling speed. “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007).

Appellant argues that “there is no disclosure in Bull of a speed threshold” and that the display of Utsuki “is neither a letter nor a number.” App. Br. 7–8. However, Appellant does not assert or demonstrate sufficiently that the combination of Bull and Utsuki, as opposed to only one of Bull or Utsuki in isolation, also fails to disclose or suggest a “speed threshold” and a display that is either “a letter” or “a number.” One cannot show nonobviousness by attacking references individually where the

rejections are based on combinations of references. *In re Keller*, 642 F.2d 413 (CCPA 1981).

Appellant does not provide additional arguments in support of the other claims under appeal or arguments with respect to any of Platt, Haseyama, or Tsuk.

SUMMARY

We affirm the Examiner's rejection of claims 1 and 5 under 35 U.S.C. § 103(a) as unpatentable over Beverley, Hollemans, Bull, and Utsuki; claim 3 under 35 U.S.C. § 103(a) as unpatentable over Beverley, Hollemans, Bull, Utsuki, and Platt; claim 4 under 35 U.S.C. § 103(a) as unpatentable over Beverley, Hollemans, Bull, Utsuki, and Haseyama; and claims 6 and 7 under 35 U.S.C. § 103(a) as unpatentable over Beverley, Hollemans, Bull, Utsuki, and Tsuk.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED